Return Date: November 1st, 2016
Time: 1:35 P.M.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
- -x
IN RE:

Chapter 13
Case No. 16-36589 CGM

ALEXANDRA SUSSMAN,

NOTICE OF MOTION

Debtor(s)
- -x

PLEASE TAKE NOTICE, that upon the annexed application of Jeffrey L. Sapir the Chapter 13 Trustee herein, a motion will be made before the Hon. Cecelia G. Morris, United States Bankruptcy Judge, at the United States Courthouse, located at 355 Main Street, Poughkeepsie, New York, on the 1st day of November, 2016, at 1:35 P.M. for an order dismissing the Chapter 13 case pursuant to 11 U.S.C. §1307(c)(1), (c)(3), (c) (4) and (c)(9); §521(i) and §521(e)(2)(A)(i) and (2)(B) on the ground that there has been unreasonable delay by the debtor that is prejudicial to creditors, in that the debtor has failed to file with this Court the schedules, statement of financial affairs; copies of all payment advices or evidence of other payments received within 60 days; and the “means test”; failed to provide copies of federal and state tax returns for the most recent years preceding the commencement of the bankruptcy proceeding; failed to file a plan; failed to remit timely plan payments; and failed to appear and be examined at a §341(a) meeting of creditors; and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, are to be served on the undersigned and filed with the Court no later than three (3) days prior to the return date of this motion, and (a) must comply with the Bankruptcy Court's electronic filing system in accordance with General Order M-242 and Supplemental General Order M-269.

Dated: White Plains, New York
October 12th, 2016

/s/ Jeffrey L. Sapir________

Jeffrey L. Sapir, Esq. (JLS 0938)
Chapter 13 Trustee
399 Knollwood Road
White Plains, New York 10603
Chapter 13 Tel. No. 914-328-6333

TO: United States Trustee
74 Chapel Street
Albany, New York 12207

Alexandra Sussman
8105 Chelsea Cove North
Hopewell Junction, New York 12533

Wells Fargo Bank, NA
c/o Rosicki, Rosicki & Associates, PC
51 East Bethpage Road
Plainview, New York 11803

Credit Acceptance Corporation
25505 West 12 Mile Road
Southfield, Michigan 48034

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
- -x
IN RE:

Chapter 13
Case No. 16-36589 CGM

ALEXANDRA SUSSMAN,

APPLICATION

Debtor(s)
- -x

TO THE HON. CECELIA G. MORRIS, BANKRUPTCY JUDGE:

1. The debtor filed the instant voluntary Chapter 13 proceeding on September 12th, 2016.

2. The debtor failed to comply with the provisions of 11 U.S.C. §1307(c)(1); (c)(3) and (c)(4).

3. The debtor is in violation of 11 U.S.C.§521(i) of the Bankruptcy Code which requires the debtor to file the schedules, statement of financial affairs, copies of all payment advices or evidence of other payments received within 60 days, and the "means test".

4. The debtor is in violation of §521(e)(2)(A)(i) of the Bankruptcy Code which requires the debtor to provide *seven (7) days prior to the §341(a) meeting of creditors* ,copies of federal and state tax returns for the most recent years preceding the commencement of the case.

5. Additionally, the debtor has failed to file a plan in violation of Federal Rules of Bankruptcy Procedure Rule 3015(b).

6. The debtor has failed to remit timely plan payments to the trustee, having remitted -0- payments, and being, at this juncture, one month in arrears.

7. The debtor failed to appear and be examined at the initial §341(a) meeting of creditors.

8. The debtor has created unreasonable delay that is prejudicial to creditors.

9. The debtor having failed to comply with the abovementioned sections of the Bankruptcy Code, this Chapter 13 case should be dismissed pursuant to 11 U.S.C. §§1307(c)(1), (c)(3) (c)(4), (c)(9) and §521(i) and §521(e)(2)(A)(i) and (2)(B); and for such other and further relief as this Court may deem just and proper.

Dated: White Plains, New York
October 12th, 2016

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
- -x
IN RE: Chapter 13
Case No. 16-36589 CGM

ALEXANDRA SUSSMAN,

Debtor(s)
- -x

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in the County of Westchester, State of New York.

On October 12th, 2016, I served a true copy of the within document, to the herein listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed envelope with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York to the following:

TO: United States Trustee
74 Chapel Street
Albany, New York 12207

Alexandra Sussman
8105 Chelsea Cove North
Hopewell Junction, New York 12533

Wells Fargo Bank, NA
c/o Rosicki, Rosicki & Associates, PC
51 East Bethpage Road
Plainview, New York 11803

Credit Acceptance Corporation
25505 West 12 Mile Road
Southfield, Michigan 48034

/s/ Lois Rosemarie Esposito
Lois Rosemarie Esposito

Sworn to before me this
12th day of October, 2016

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir
Notary Public, State of New York
No. 02SA8764500
Qualified in Rockland County
Term Expires: 12/31/18